HOUSE DOCKET, NO. 2942 FILED ON: 1/18/2013

HOUSE . . . . . No. 1223

The Commonwealth of Massachusetts

PRESENTED BY:

Garrett J. Bradley

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act to correct procedural omission regarding actions against certain decedents under Uniform Probate Code.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Garrett J. Bradley	*3rd Plymouth*
Eugene L. O'Flaherty	*2nd Suffolk*

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HOUSE . . . . . No. 1223

By Mr. Bradley of Hingham, a petition (accompanied by bill, House, No. 1223) of Garrett J. Bradley and Eugene L. O'Flaherty for legislation to correct procedural omission regarding actions against certain decedents under Uniform Probate Code. The Judiciary.

The Commonwealth of Massachusetts

An Act to correct procedural omission regarding actions against certain decedents under Uniform Probate Code.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1: Section 3-803 of Chapter 190B is hereby amended by deleting subsection (d)(2) and substituting therefor the following:

(2) an action for personal injury or death, if commenced more than one year after the date of death of the decedent, brought against the personal representative, provided that such action is commenced within three years next after the cause of action accrues, and provided further that any judgment recovered in any action so brought may be satisfied from the proceeds of a policy of liability insurance or liability bond, if any, and not from the general assets of the estate. If a personal representative has not been appointed, then an action otherwise allowed hereunder may be maintained without such appointment, and shall be maintained naming the decedent as the defendant. In such event any service of process that may be necessary shall be made upon the entity providing the insurance or bond.

Section 2: Section 1 is designed to correct an omission in the Uniform Probate Code, and shall apply to all actions accruing on or after March 31, 2012.